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LSI LOGIC CORPORATION  
Office of General Counsel  
1621 Barber Lane  
M/S D-106  
Milpitas, CA 95035  
Fax: (408) 433-7460

Date: October 14, 2004  
To Name: USPTO – Box: Amendment  
Fax: (703) 872-9306  
Phone: (703) 305-8283

From: Name: Manu Kashyap, Intellectual Property Paralegal  
Corporate Legal Dept.  
Telephone: (408) 433-7475  
Fax: (408) 433-7460  
Re: 10/648,602

Number of Pages Including this Page 4

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**MESSAGE:**

US Serial No.: 10/648,602  
Filing Date: August 23, 2003  
Group Art Unit: 2815  
Docket No: 03-0658  
Examiner: Sheila A. Clark  
Response to Restriction Requirement

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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0851-0031

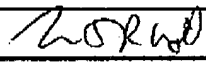
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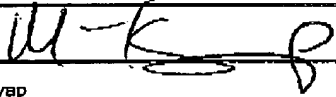
<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/648,602	
	Filing Date	August 25, 2003	
	First Named Inventor	Hongqiang Lu, et al.	
	Art Unit	2815	
	Examiner Name	Shella A. Clark	
Total Number of Pages in This Submission	3	Attorney Docket Number	03-0658

ENCLOSURES (Check all that apply)		
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<input type="checkbox"/> Remarks Response to Restriction Requirement		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	LSI Logic Corporation		
Signature			
Printed name	Timothy R. Croll		
Date	October 14, 2004	Reg. No.	36,771

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Manu Kashyap	Date	10/14/2004

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Hongqiang Lu, et al. )  
 ) Group Art Unit: 2815  
 )  
Serial No.: 10/648,602 ) Examiner: Sheila A. Clark  
 )  
Filed: August 25, 2003 ) Atty. Docket No.: 03-0658  
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**RESPONSE TO OFFICIAL ACTION**  
**Restriction/Election Requirement**

Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This response is presented to the Office Action mailed October 1, 2004, wherein the Examiner required restriction pursuant to 35 U.S.C. §121. Election is hereby made, *with traverse*, to prosecute Group I, method claims 1-14.

**Remarks/Arguments**

Reconsideration of the restriction is respectfully requested. Restriction is not required by 35 U.S.C. §121, as suggested in the Office Action. Congress wisely granted the *discretion* to restrict applications. According to 35 U.S.C. §121 "... the Commissioner *may* require the application to be restricted...." (emphasis added).

Furthermore, MPEP § 803 lists two criteria that must be present for restriction to be proper:

- 1) The inventions must be independent or distinct as claimed; and
- 2) There must be a serious burden on the examiner if restriction is required.

In searching the Group I claims, the class and subclass for the Group II claims will undoubtedly be searched, to ensure that no relevant art is overlooked. For this reason there is no significant burden on the examiner, and certainly no serious burden as required by MPEP §121.

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